

**REMARKS**

Reconsideration and allowance of the subject patent application are respectfully requested.

Claims 3-9 have been canceled without prejudice or disclaimer in view of Applicant's election without traverse of claims 1 and 2.

Claims 1 and 2 were rejected under 35 U.S.C. Section 102(b) as allegedly being "anticipated" by Martinez (U.S. Patent No. 6,450,557). Claims 1 and 2 were further rejected under 35 U.S.C. Section 102(b) as allegedly being "anticipated" by Morris (U.S. Patent No. 2,606,050). Claim 1 was still further rejected under 35 U.S.C. Section 102(b) as allegedly being "anticipated" by Brown (U.S. Patent No. 1,459,389).

Applicants respectfully submit that the cited prior art does not disclose the subject matter of the pending claims. Indeed, it is noteworthy that none of the cited patents even relate to the game of lacrosse so that Applicant submits that the rejections under 35 U.S.C. Section 102(b) are legally improper as explained below.

Certain amendments have been made to improve the form of the claims. These amendments are not made for reasons relating to patentability.

First, Martinez discloses an object retrieving device for picking up and carrying objects located out of the convenient reach of a user. Martinez does not disclose, or even relate to, the game of lacrosse, a lacrosse stick, adjusting a lacrosse stick while playing the game of lacrosse, or the like and thus cannot possibly anticipate the methods of playing lacrosse set forth in claims 1 and 2.

Specifically, Martinez fails to disclose or suggest every element set forth in Applicant's claim 1 in that it fails to teach any and all of:

- a) "A method of playing lacrosse,"
- b) "wherein one or more lacrosse players"
- c) "is capable of intentionally adjusting the length of their lacrosse stick"
- d) "during a lacrosse game"
- e) "without leaving the lacrosse playing field."

Similarly, with respect to Applicant's claim 2, Martinez fails to disclose or suggest every element in that claim in that it fails to teach any and all of:

- a) "A method of playing lacrosse,"
- b) "wherein one or more lacrosse players"
- c) "is capable of intentionally adjusting the length of their lacrosse stick without using any separate tools."

Second, Morris discloses a telescoping handle for a gardening implement. Again, this rejection is not proper because, inter alia, the Morris patent does not disclose, or even relate to, the game of lacrosse, a lacrosse stick, adjusting a lacrosse stick while playing the game of lacrosse, or the like and thus cannot possibly anticipate the methods of playing lacrosse set forth in claims 1 and 2.

Specifically, Morris clearly fails to disclose every element set forth in Applicant's claim 1 in that it fails to teach any and all of:

- a) "A method of playing lacrosse,"
- b) "wherein one or more lacrosse players"
- c) "is capable of intentionally adjusting the length of their lacrosse stick"
- d) "during a lacrosse game"
- e) "without leaving the lacrosse playing field."

Similarly, with respect to Applicant's claim 2, Morris fails to disclose every element in that claim in that it fails to teach any and all of:

- a) "A method of playing lacrosse,"
- b) "wherein one or more lacrosse players"
- c) "is capable of intentionally adjusting the length of their lacrosse stick without using any separate tools."

Third, Brown discloses a game appliance. Yet again, the rejection is improper because, inter alia, Brown does not disclose the game of lacrosse, a lacrosse stick, adjusting a lacrosse stick while playing the game of lacrosse, or the like. Indeed, Brown does not disclose a stick that is capable of adjustment in length (e.g., col. 1, ll. 42-45, wherein it is stated that "Having selected the piece of wood of requisite length, the handle 1 is first fashioned, and then the selected stock is thinned ....").

Consequently, Brown clearly fails to disclose or suggest every element set forth in applicants' claim 1 in that it fails to teach any and all of:

- a) "A method of playing lacrosse,"

- b) "wherein one or more lacrosse players"
- c) "is capable of intentionally adjusting the length"
- d) " of their lacrosse stick"
- e) "during a lacrosse game"
- f) "without leaving the lacrosse playing field."


New claims 10 and 11 are added. The subject matter of these new claims is believed to be fully supported by the original disclosure and no new matter is added.

Claim 10 is directed to a method of playing lacrosse comprising using a lacrosse stick to play a lacrosse game on a lacrosse playing field, the lacrosse stick comprising a shaft and a head, the head being coupled to one end of the shaft and adapted to receive a lacrosse ball; and non-destructively adjusting the length of the shaft of the lacrosse stick one or more times during the game without leaving the lacrosse playing field. No such method involving the adjusting of the length of the shaft of a lacrosse stick as claimed is disclosed by the applied documents.

Claim 11 is directed to a method of playing lacrosse comprising using a lacrosse stick to play a lacrosse game on a lacrosse playing field, the lacrosse stick comprising a shaft and a head, the head being coupled to one end of the shaft and adapted to receive a lacrosse ball; and non-destructively adjusting the length of the lacrosse stick one or more times during the game without using any separate tools. No such method involving the adjusting of the length of the shaft of a lacrosse stick as claimed is disclosed by the applied documents.

The pending claims are believed to be allowable and favorable office action is respectfully requested.

Respectfully submitted,  
**NIXON & VANDERHYE P.C.**

By:   
Michael J. Shea  
Reg. No. 34,725

MJS:mjs  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100